



Victoria Government Gazette

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Road Safety Act 1986

ROAD SAFETY (VEHICLES) REGULATIONS 2009

Declaration of a Vehicle with a Retro-fitted Safety System or Load Restraint System as a Class 3 Vehicle and Exemption of Class 2 and 3 Vehicles from Width Requirements

1. Purpose

The purpose of this notice is to declare certain vehicles to be class 3 vehicles and to exempt certain class 2 and 3 vehicles from width limits for the purposes of the Road Safety (Vehicles) Regulations 2009 (in this notice to be referred to as the Vehicles Regulations).

2. Authorising provisions

This notice is made under regulations 188, 193(2) and 194 of the Vehicles Regulations.

Regulation 188 of the Vehicles Regulations provides that the Roads Corporation, by a notice published in the Government Gazette, may exempt a category of class 2 vehicles from any of the following requirements set out in Schedule 8 to those Regulations –

- (a) a mass or dimension limit, other than a limit that relates to a GVM (gross vehicle mass), a GCM (gross combination mass) or a manufacturer's limit; and
- (b) any other requirement.

Regulation 193(2) of the Vehicles Regulations provides that the Roads Corporation, by notice published in the Government Gazette, may declare a category of vehicles to be class 3 vehicles.

Regulation 194 of the Vehicles Regulations provides that the Roads Corporation may, by a notice published in the Government Gazette, exempt a category of class 3 vehicles from any of the following requirements in Schedule 9 to those Regulations –

- (a) a mass or dimension limit, other than a limit that relates to a GVM, a GCM or a manufacturer's limit; or
- (b) any other requirement.

3. Commencement

This notice comes into operation on the date it is published in the Government Gazette.

4. Revocation

The notices published in Government Gazette No. S 152 on 16 August 2005 entitled Notice for Class 2 Vehicles with a Retro-fitted Safety System or Load Restraint System and Notice for Class 3 Vehicles with a Retro-fitted Safety System or Load Restraint System are revoked.

5. Expiry

This notice expires on 9 November 2014.

6. Declaration

For the purposes of regulation 193(2) of the Vehicles Regulations, I, George Mavroyeni, delegate of the Roads Corporation, declare a heavy vehicle to be a class 3 vehicle, if –

- (a) the vehicle is not wider than 2.6 metres; and
- (b) the vehicle has either –
 - (i) a retro-fitted safety system designed to reduce the risk of anything falling from the vehicle; or
 - (ii) a retro-fitted load restraint system which protrudes up to 50 mm on one or both sides of the vehicle; and
- (c) the lateral projections of the safety system or load restraint system are more than two metres off the ground; and
- (d) the vehicle was first registered before 1 February 2006.

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7. Exemption

For the purposes of regulations 188 and 194 of the Vehicles Regulations, I, James Holgate, delegate of the Roads Corporation, exempt a class 2 or class 3 vehicle from the maximum width requirement in regulation 165 of the Vehicles Regulations (with which the vehicle would otherwise be required to comply under Schedule 8 or 9), provided that –

- (a) the vehicle is not wider than 2.6 metres; and
- (b) the vehicle has either –
 - (i) a retro-fitted safety system designed to eliminate or control the risk of falls from the vehicle; or
 - (ii) a retro-fitted load restraint system which protrudes up to 50 mm on one or both sides of the vehicle; and
- (c) the lateral projections of the safety system or load restraint system are more than two metres off the ground; and
- (d) the vehicle was first registered before 1 February 2006.

Notes:

1. Clause 39 of Schedule 9 to the Vehicles Regulations provides that the dimension limits for a vehicle declared by the Roads Corporation to be a class 3 vehicle are the relevant dimension limits set out in Part 4.2 of Chapter 4 of the Vehicles Regulations except to the extent that the Roads Corporation specifies otherwise in a declaration under regulation 193(2) of the Vehicles Regulations.
2. Similarly, the following clauses in Schedule 8 prescribe the relevant dimension limits in Part 4.2 of Chapter 4 of the Vehicles Regulations as the dimension limits for each type of class 2 vehicle:
 - clause 7 with respect to a vehicle that forms part of a B-double; and
 - clause 18 with respect to a vehicle that forms part of a road train; and
 - clause 26 with respect to a vehicle that forms part of a prime mover, semi-trailer and converter dolly combination; and
 - clause 34 with respect to a controlled access bus; and
 - clause 39 with respect to a vehicle built to carry other vehicles; and
 - clause 45 with respect to a vehicle built to carry livestock.
3. Regulation 165 of the Vehicles Regulations provides that the maximum width for a vehicle is 2.5 metres.
4. Words and phrases in this notice have the same meanings as in the **Road Safety Act 1986** and the Regulations under that Act.

Dated 30 December 2009

JAMES HOLGATE
Acting Executive Director
Road Safety and Network Access
Roads Corporation

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